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In re Application of:
Tsien et al.
Serial No.: 10/057,505
Filed: January 25, 2002
Attorney Docket No.: REGEN1260-3

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is in response to applicants' petition under 37 CFR § 1.181(a) filed on February 22, 2005, requesting withdrawal of the holding of abandonment based on the timely filing of a response to the Office action mailed June 2, 2004.

A review of the file history shows that the examiner mailed an Office action to applicants on June 2, 2004, setting a three-month statutory time period for reply. On January 11, 2005, the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicants state that a response to the Office action was timely filed on September 2, 2004, as shown by the Certificate of Mailing executed under 37 CFR §1.8 on September 2, 2004. Applicants also submit a copy of the transmittal sheet identifying the papers filed and showing a USPTO date-stamped receipt of September 9, 2004. In view of this evidence, applicants are considered to have submitted a timely reply.

Applicants' petition is **GRANTED**. This application is restored to pending status with the mailing of this decision and will be forwarded to the examiner for consideration of the amendment.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Bruce Kisliuk
Director, Technology Center 1600